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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,941	02/08/2005	Gianni Luca Guglielmi	23203	3134

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K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX, NY 10471-0900

EXAMINER	
RAMPURIA, SHARAD K	

ART UNIT	PAPER NUMBER
2617	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/524,941	GUGLIELMI ET AL.	
	Examiner	Art Unit	
	Sharad Rampuria	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,9-11,14-23,27-29 and 31-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,9-11,14-23,27-29 and 31-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 June 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 9-11, 19-20, 27-29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soh; Byeung Yun et al.** [US 6895251 B2] in view of **Karri et al.** [US 20020177454 A1].

As per claim 1, **Soh** teaches:

A method of transmitting messages on a telecommunications network, the method comprising the steps of:

receiving from a sender terminal a text message, integrating said text message with the video content to generate a multimedia message, (Col.4; 4-14) and

transmitting to at least a recipient terminal said multimedia message in the form of a Multimedia Messaging Service message. (Col.4; 14-17)

Soh doesn't teach specifically, synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal However, **Karri** advocates in an analogous art, that the synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal. (e.g. ***A funny according to the invention can also include special effects such as sound and vibration effects or even animated funnies (i.e. funnies with moving pictures), so as to provide messages that can be even more expressive than messages consisting of only text and pictures***; ¶ 0023)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including synthesizing from the text message a synthesized voice signal, generating a video content having an animated image as an image of a character that pronounces the synthesized voice signal in order to provide the method includes the step of associating with a frame of the message a special effect to be performed when the frame is displayed.

As per claim 2, **Soh** teaches:

The method as claimed in claim 1, further comprising the step of receiving said text message in the form of a Short Messaging Service message. (Col.2; 46-60)

As per claim 9, the above combination teaches all the particulars of the claim except the step of generating the image of said character by means of a text animation system. However, Karri advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of generating the image of said character by means of a text animation system (308, 310). (e.g. sending a picture with associated text; ¶ 0023)

As per claim 10, the above combination teaches all the particulars of the claim except comprises the step of integrating (328) said MMS message with background music. However, Karri advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of integrating (328) said MMS message with background music (330). (e.g. sending a picture with associated sound; ¶ 0023)

As per claim 11, the above combination teaches all the particulars of the claim except comprises the step of including in said video content an animated GIF image. However, Karri advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of including in said video content an animated GIF image. (e.g. sending a picture with associated text; ¶ 0023)

Claims 19-20 are the system, claims, corresponding to method claims 1-2 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-2 respectively, above.

Claims 27-29, 31 are the system, claims, corresponding to method claims 6-13 respectively, and rejected under the same rational set forth in connection with the rejection of claims 6-13 respectively, above.

Claims 3-5, & 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Soh** & **Karri** further in view of Rooke et al. [US 6678361 B2].

As per claim 3, the above combination teaches all the particulars of the claim except identifying the type of recipient terminal able to receive said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal. However, Rooke advocates in an analogous art, that the method as claimed in claim 1 or claim 2, characterised in that it comprises the steps of: identifying the type of recipient terminal able to receive said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal. (e.g. capability of multimedia message; Col.3; 43-50, Col.7; 18-32) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to including identifying the type of recipient terminal able to receive said multimedia message by identifying the characteristics of said recipient terminal, and adapting said MMS message to the characteristics of said recipient terminal in order to provide a method of the possibility of handling a multimedia message.

As per claim 4, Soh teaches all the particulars of the claim except the step of integrating said text message with a generated video content (326) in such a way that said multimedia message is suited to the characteristics of said recipient terminal. However, Rooke advocates in an

analogous art, that the method as claimed in claim 3, characterised in that it comprises the step of integrating said text message with a generated video content (326) in such a way that said multimedia message is suited to the characteristics of said recipient terminal. (e.g. video; Col.3; 43-50, Col.7; 18-32)

As per claim 5, the above combination teaches all the particulars of the claim except complementing said text message with a video content determined independently from the characteristics of the recipient terminal (12, 13, 14) and adapting (10) the multimedia message thereby obtained to the characteristics of said recipient terminal. However, Rooke advocates in an analogous art, that the method as claimed in claim 3, characterised in that it comprises the steps of: complementing said text message with a video content determined independently from the characteristics of the recipient terminal (12, 13, 14) and adapting (10) the multimedia message thereby obtained to the characteristics of said recipient terminal. (e.g. video; Col.3; 43-50, Col.7; 18-32)

Claims 21-23 are the system, claims, corresponding to method claims 3-5 respectively, and rejected under the same rational set forth in connection with the rejection of claims 3-5 respectively, above.

Claims 14-18 & 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soh, & Karri further in view of Hyon [US 20020077135 A1].

As per claim 14, the above combination teaches all the particulars of the claim except comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal (12, 13, 14). (e.g. sending a video content; ¶ 0011, 0042) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including comprises the step of providing, in said sender terminal (18), a script function for the selection of said video content and of said recipient terminal in order to provide a method of easily enter a plurality of icons that represent his emotions by use of a series of special characters.

As per claim 15, the above combination teaches all the particulars of the claim except the step of providing, in said sender terminal (18), a function for the automatic correction of any error which may be contained in said text message. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of providing, in said sender terminal (18), a function for the automatic correction of any error which may be contained in said text message. (e.g. sending a video content; ¶ 0011, 0042)

As per claim 16, the above combination teaches all the particulars of the claim except the step of associating to said text message meta-information for selectively modifying the characteristics of said video content. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of

associating to said text message meta-information for selectively modifying the characteristics of said video content. (e.g. sending a emoticons content; ¶ 001 l, 0042)

As per claim 17, the above combination teaches all the particulars of the claim except the step of associating to said text message additional information in the form of emoticons for selectively modifying the characteristics of said video content. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that it comprises the step of associating to said text message additional information in the form of emoticons for selectively modifying the characteristics of said video content. (e.g. sending a emoticons content; ¶ 001 l, 0042)

As per claim 18, the above combination teaches all the particulars of the claim except video content is selected within the group constituted by: an animated GIF image ordered in frames, with respective portions of said text message associated thereto, an animated GIF image accompanied by compressed audio, and a video clip completed with audio. However, Hyon advocates in an analogous art, that the method as claimed in claim 1, characterised in that said video content is selected within the group constituted by: an animated GIF image ordered in frames, with respective portions of said text message associated thereto, an animated GIF image accompanied by compressed audio, and a video clip completed with audio. (e.g. sending a animated content; ¶ 0011, 0042)

Claims 33-36, 32 are the system, claims, corresponding to method claims 14-18 respectively, and rejected under the same rational set forth in connection with the rejection of claims 14-18 respectively, above.

Response to Remarks

Applicant's arguments filed on 06/09/2008 have been fully considered but they are not persuasive.

Relating to Claim 6-8:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (e.g., automatically) **are not recited in the rejected claim(s)**. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the fact, that **KARRI** teaches, "***A funny according to the invention can also include special effects such as sound and vibration effects or even animated funnies (i.e. funnies with moving pictures), so as to provide messages that can be even more expressive than messages consisting of only text and pictures***." (Karri, ¶ 0023). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for encapsulating voice with image associated with a message, that positively, anticipated by **KARRI**. Hence, it is believed that **KARRI** still teaches the claimed limitations.

The above arguments also recites for the claims 24-26, consequently the response is the same explanation as set forth above with regard to claims 6-8.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

Conclusion

Applicant's amendment (For illustration; since newly amended claims modified the above-disclosed rejection) necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or *EBC@uspto.gov*.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617